

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SAMY HAMILTON HERRARTE  
GARCIA,

Petitioner,

v.

GLERCY ROSARIO DUARTE  
REYNOSA,

Respondent.

CASE NO. C19-01928-RAJ

**ORDER SETTING INITIAL  
HEARING**

This matter comes before the Court on Petitioner's Motion for an Order to Renote Order to Show Cause. Dkt. # 11. For the following reasons, Petitioner's Motion is **GRANTED**. Dkt. # 11.

Petitioner is the father of S.C.H.D. and J.A.H.D., two minor children. Respondent, Glercy Rosario Duarte Reynosa is the children's mother. Dkt. # 1. Petitioner resides in Guatemala and contends that Respondent wrongfully removed the children from Guatemala and is currently residing with them in this District. *Id.* Petitioner brings this petition for his children's return to Guatemala pursuant to the International Child Abduction Remedies Act ("ICARA"), 22 U.S.C. §§ 9001-9011,

1 which implements the 1980 Hague Convention on the Civil Aspects of International  
2 Child Abduction (the “Convention”).

3 On November 27, 2019, Petitioner also filed an ex parte motion for a temporary  
4 restraining order: (1) enforcing video chat access to his children, (2) requiring  
5 information regarding his children’s daycare provider and/or school, (3) transferring the  
6 children to the physical custody of Petitioner, and (4) requiring that respondent post a  
7 bond in an amount of \$15,000. Dkt. # 6. On December 3, 2019, the Honorable Robert S.  
8 Lasnick declined to issue a temporary restraining order without first providing  
9 Respondent with notice and an opportunity to be heard and instead set an evidentiary  
10 hearing for December 17, 2019. Dkt. # 10 at 2. This case was subsequently reassigned  
11 to the undersigned judge. Both parties are represented by counsel and Respondent was  
12 personally served with the petition and pending motions on December 8, 2019. Dkt. #  
13 14. On December 16, 2019, at the parties’ request, the Court struck the evidentiary  
14 hearing date. Dkt. # 18.

15 The court is obligated to resolve ICARA petitions on an expedited basis.  
16 Convention, Art. 11. It will do so in this case after the parties have had the opportunity to  
17 fully brief the matter and to present evidence supporting their respective positions. In the  
18 interim, the court issues the following order to preserve the status quo:

- 19 1. Pending resolution of the petition, Respondent Glercy Rosario Duarte  
20 Reynosa is not to remove the children, S.C.H.D. and J.A.H.D., from the  
21 Western District of Washington without prior written approval from the  
22 Court. *See* 22 U.S.C. § 9004(a) (authorizing measures to preserve the  
23 status quo pending resolution on merits).
- 24 2. On January 9, 2019, at 10:00 a.m., Respondent, along with counsel for  
25 both parties, shall appear before the undersigned judge for a preliminary  
26 hearing. Because Petitioner resides in Guatemala, he is not required to  
27 appear for the hearing. He may appear by telephone if his counsel makes

1 appropriate arrangements with the court. It is also the responsibility of the  
2 parties to arrange for an interpreter at the hearing, if required.

3 a. If the date of this hearing conflict with Respondent's asylum  
4 hearing, which the Court understands is currently scheduled for  
5 January 2020 (*see* Dkt. # 1 at 5), the parties must notify the Court  
6 immediately.

7 3. The purpose of the hearing shall be to address Petitioner's request for a  
8 temporary restraining order (Dkt. # 6) and determine a briefing schedule  
9 and procedure for a second hearing to resolve this matter on the merits.  
10 The court does not intend to resolve the merits of the petition at this initial  
11 hearing.

12 a. Any papers in opposition to the motion for a temporary restraining  
13 order (Dkt. # 6) shall be filed no later than January 2, 2019.

14 At some time after the initial hearing, but as soon as reasonably practicable, the  
15 court will hold a second hearing to resolve the merits of the petition.

16  
17 Dated this 17th day of December, 2019.

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21 The Honorable Richard A. Jones  
22 United States District Judge  
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